



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,906	06/27/2003	James A. Kost	MPEE2 12375-1-1	7529

7590 03/10/2004

FAY, SHARPE, FAGAN, MINNICH & McKEE
Seventh Floor
1100 Superior Avenue
Cleveland, OH 44114-2579

EXAMINER

BATSON, VICTOR D

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/607,906

Applicant(s)

KOST ET AL.

Examiner

Victor Batson

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 88-140 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 88-140 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/3/03 & 6/27/03</u> | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

Claim 117 is objected to because of the following informalities: Claim 117 appears to be a duplicate of claim 116. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

1. Claims 88-97, 100-104, 106, 114-120, 124, 130, 133, 136-138, 140 are rejected under 35 U.S.C. 102(e) as being anticipated by Malinowski (6,102,131).

Malinowski discloses a snowplow blade mount having all of applicant's claimed structure including a frame mount assembly (including 42), a support assembly (including members 54) having a connection end (including 58), and a plow mount assembly, with the plow mount assembly detachably connected to the support assembly and including a leg support 48 as shown in figure 7. It is noted that latch bars 50 & 52 are considered removable pins since they are removable from sockets 58 & 60. It is noted that the entrance structure of sockets 58 & 60 are considered guide sections

Art Unit: 3671

and landings, with the outermost edge being considered the guide section (see figure 7).

2. Claims 88-105,107,108,112,114-119,124,130,133,136,137,140 are rejected under 35 U.S.C. 102(b) as being anticipated by Behrens et al. (5,806,214).

Behrens et al. discloses a snowplow blade mount having all of applicant's claimed structure including a frame mount assembly (32), a support assembly (26) having a connection end and a plow mount assembly, with the plow mount assembly detachably connected to the support assembly and including a leg support 48 as shown in figure 1. Concerning claim 98, the frame member connected directly to the top of leg support 48 is considered a bumper plate. Behrens et al. further discloses a lift mount assembly 38. Concerning claims 107 & 108, members 48 are also considered the extension legs. Concerning claims 112, member 44 is considered a skid plate.

3. Claims 88-105,107-109,112,114-120,124,130,133,136,137,139,140 are rejected under 35 U.S.C. 102(b) as being anticipated by Pieper (5,353,530).

Pieper discloses a snowplow blade mount having all of applicant's claimed structure including a frame mount assembly, a support assembly having a connection end and a plow mount assembly, with the plow mount assembly detachably connected to the support assembly and including a leg support 48 as shown in figure 1. It is noted that the closed end of member 97 is considered a bumper plate. It is further noted that

Art Unit: 3671

the support connected directly to the plow blade is considered a skid plate. It is further noted that Pieper discloses using an auxiliary light 64.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 109,139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131) in view of Pieper (5,353,530).

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks including at least one auxiliary light connector to connect an auxiliary light.

Pieper teaches that it is notoriously old and well known in the art to use auxiliary lights and light connectors with snowplows. Using lights with snowplows allows the operator to better plow at night.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include at least one auxiliary light and light connector as taught by Pieper, to enhance the ability of an operator to plow at night.

5. Claims 121,122,123,125,126,127,128,129,131,132,134,135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131).

Art Unit: 3671

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks specifying that the pins are secured in position by removable pin clips.

The examiner takes official notice that is notoriously old and well known in the art to secure pins with removable pin clips to allow the pins to be easily removed for disassembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include the use of removable pin clips to secure the pins, to allow the pins to be easily removed for disassembly.

6. Claims 121,122,123,125,126,127,128,129,131,132,134,135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214).

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks specifying that the pins are secured in position by removable pin clips.

The examiner takes official notice that is notoriously old and well known in the art to secure pins with removable pin clips to allow the pins to be easily removed for disassembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to

Art Unit: 3671

include the use of removable pin clips to secure the pins, to allow the pins to be easily removed for disassembly.

7. Claims 121,122,123,125,126,127,128,129,131,132,134,135 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pieper (5,353,530).

Pieper discloses a snowplow blade mount assembly as described previously, but lacks specifying that the pins are secured in position by removable pin clips.

The examiner takes official notice that is notoriously old and well known in the art to secure pins with removable pin clips to allow the pins to be easily removed for disassembly.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Pieper to include the use of removable pin clips to secure the pins, to allow the pins to be easily removed for disassembly.

8. Claims 109,139 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214) in view of Pieper (5,353,530).

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks including at least one auxiliary light connector to connect an auxiliary light.

Pieper teaches that it is notoriously old and well known in the art to use auxiliary lights and light connectors with snowplows. Using lights with snowplows allows the operator to better plow at night.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to include at least one auxiliary light and light connector as taught by Pieper, to enhance the ability of an operator to plow at night.

9. Claims 110,111,113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Behrens et al. (5,806,214) in view of Willis, Sr. (4,459,769).

Behrens et al. discloses a snowplow blade mount assembly as described previously, but lacks including a deflector flap secured to the top edge of the plow blade.

Willis, Sr. teaches that it is old and well known in the art to connect a deflector flap 101 to the top edge of a snowplow, to prevent snow from moving over the plow blade.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Behrens et al. to include a deflector flap secured to the top of the blade as taught by Willis, Sr., to prevent snow from moving over the plow blade.

10. Claim 110 is rejected under 35 U.S.C. 103(a) as being unpatentable over Malinowski (6,102,131) in view of Willis, Sr. (4,459,769).

Malinowski discloses a snowplow blade mount assembly as described previously, but lacks including a deflector flap secured to the top edge of the plow blade.

Willis, Sr. teaches that it is old and well known in the art to connect a deflector flap 101 to the top edge of a snowplow, to prevent snow from moving over the plow blade.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Malinowski to include a deflector flap secured to the top of the blade as taught by Willis, Sr., to prevent snow from moving over the plow blade.

11. Claims 110,111,113 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pieper (5,353,530) in view of Willis, Sr. (4,459,769).

Pieper discloses a snowplow blade mount assembly as described previously, but lacks including a deflector flap secured to the top edge of the plow blade.

Willis, Sr. teaches that it is old and well known in the art to connect a deflector flap 101 to the top edge of a snowplow, to prevent snow from moving over the plow blade.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the snowplow blade mount assembly of Pieper to include a deflector flap secured to the top of the blade as taught by Willis, Sr., to prevent snow from moving over the plow blade.

Conclusion

Art Unit: 3671

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record discloses various snow plow mounting assemblies.

Inquiries

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Batson whose telephone number is (703) 305-6356. The examiner can normally be reached on Monday through Friday (except Wednesday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on (703) 308-3870. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1115.

March 8, 2004



Victor Batson
Primary Examiner
Art Unit 3671